

Office of Selectmen
6 Holland Street • Post Office Box 139
Moultonborough, N.H. 03254
(603) 476-2347

STATEMENT OF POLICY
No. 12

CERTIFICATES OF OCCUPANCY

The purpose of this policy is to provide clarification to the process through which the Code Enforcement Officer issues a Certificate of Occupancy. The Town of Moultonborough first adopted a Building Code on March 18, 1994. On June 26, 2003, the Board of Selectmen revised this Ordinance, adopting the newly enacted New Hampshire Building Code which incorporates the International Building Code. This policy did nothing to alter the provisions relating to the issuance of a Certificate of Occupancy as provided in Section 110 of the International Building Code (IBC). Rather, this policy acknowledges and reaffirms those provisions.

A Certificate of Occupancy shall be required for the following:

- a. dwelling units;
- b. commercial buildings;
- c. attached garages; and,
- d. any newly constructed or modified structure or part of a structure termed living space by the Code Enforcement Officer based on the provisions of the IBC.

The IBC prohibits occupancy of the structures listed above without a Certificate of Occupancy. Anyone violating the provisions of the IBC in its requirement for a Certificate of Occupancy shall be required immediately to vacate the premises for which a Certificate of Occupancy is required. RSA 676:15 provides that the Town shall be entitled to seek eviction, injunction or other equitable relief for any violation of this requirement. The Town shall also be entitled to seek money damages or penalties and fines up to \$275 per day (each day after notification being a separate and distinct violation) as prescribed in the IBC. In addition, the Town may be entitled to seek attorney's fees and other reasonable legal costs incurred while bringing this action (RSA 676:15, RSA 676:17).

This policy is effective upon adoption and shall remain in effect until superseded or replaced.

Date of Adoption:

March 9, 2000

Russell C. Wakefield, Chairman
Ernest E. Davis, Jr.
Robert W. Foster
BOARD OF SELECTMEN

This Policy received review, revision and update on September 21, 2006.

Karel A. Crawford, Chairman
Edward J. Charest
Ernest E. Davis, Jr.
James F. Gray
Joel R. Mudgett
BOARD OF SELECTMEN